

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYDIAN PRIVATE BANK,  
d/b/a VIRTUALBANK,

Plaintiff,

-against-

STEVEN M. LEFF, RICHARD A. LEFF,  
RACHEL M. LEFF, and NATIONAL  
SETTLEMENT AGENCY, INC.,

Defendants.

Case No. 07 Civ. 8173 (LTS)

ECF Case

**WAIVER OF SERVICE**  
**ON RICHARD A. LEFF**

TO: Joel M. Miller  
MILLER & WRUBEL P.C.  
250 Park Avenue  
New York, New York 10177  
Phone: (212) 336-3500  
Fax: (212) 336-3555

*Counsel for Plaintiff*  
*Lydian Private Bank,*  
*d/b/a VirtualBank*

I, Richard A. Leff, acknowledge receipt of your request that I waive service of a summons in the above-captioned action. I have also received a copy of the complaint in the action and two copies of this instrument. I can return the signed waiver to you without cost to me by sending the signed waiver to you by facsimile.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after September 25, 2007.

Dated: 9/27, 2007

Signature:

Matthew Bruno

Printed/typed name:

Attorney for Richard Left